



Anti-poverty Advocates

February 3, 2010

To the Michigan Senate Health Policy Committee

Attn. Chair Sen. Thomas George, MD

Testimony of Gary A. Benjamin Regarding SJR K and R

This is Michigan Legal Services' position on Senate and House Joint Resolutions K and R. To summarize them we believe it is fair to say that if enacted they would make reform of the health care finance and delivery systems impossible. They at least attempt to make both the "individual mandate" and an "employer mandate" unconstitutional falsely using the label "Freedom" to name these limiting amendments.

It is no small hypocrisy for an elected official provided health care coverage of the most expensive kind by the taxpayers, to say to the citizens who elect that official that they cannot benefit from health care reform. As Abraham Lincoln said;

"We all declare for liberty; but in using the same word we do not all mean the same thing. With some the word liberty may mean for each man to do as he pleases with himself, and the product of his labor; while with others, the same word may mean for some men to do as they please with other men, and the product of other men's labor. Here are two, not only different, but incompatible things, called by the same name - liberty.

So those who are small business owners would have the 'liberty' to provide for their own health care under these proposed amendments. But where is the wherewithal to pay for the premiums? An individual with a pre-existing condition has the 'freedom' to provide for his or her own coverage? But where is the law that tells an insurer they may not discriminate on the basis of a pre-existing condition?

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The legislators have the freedom to provide for their own health care by doing what they do now – participating in the State's insurance program. But those who are poor, or unemployed, or trying to make a small enterprise profitable, are not 'free' to do that.

For that matter, do these amendments mean that the state may not provide health insurance for a legislator? After all, wouldn't we be forcing a form of coverage on our legislators? SJR/HJR R says very clearly,

NO LAW OR RULE SHALL COMPEL, DIRECTLY OR INDIRECTLY OR THROUGH PENALTIES OR FINES, ANY PERSON, EMPLOYER, OR HEALTH CARE PROVIDER TO PARTICIPATE IN ANY HEALTH CARE SYSTEM.

Is the state not forcing our poor legislators to participate in a particular health care finance or delivery system by providing coverage? Are you legislators going to give up your health coverage so that you might benefit from the 'freedom' you are trying to shackle the rest of the state with?

These proposed amendments are as foolish as they are poorly written and should be rejected by the committee.

Thank you for the opportunity to present our position.